IN RE: PETITION FOR ADMIN. VARIANCE W/S Monkton Road, 1160' N

of New Piney Hill Road

7th Election District
3rd Councilmanic District

(1431 Monkton Road)

Maxine & Harry Geschwilm

Petitioners

**BEFORE THE** 

ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 02-232-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by Maxine and Harry Geschwilm, the legal owners of the subject property. The variance request is for property located at 1431 Monkton Road in the Monkton area of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) with a height of 25 ft. in lieu of the maximum permitted 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

117/02 Jr. Joneson compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of January, 2002, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) with a height of 25 ft. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. In addition, the accessory structure should not be used for commercial purposes.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

January 17, 2002

Mr. & Mrs. Harry Geschwilm 1431 Monkton Road Monkton, Maryland 21111

> Re: Petition for Administrative Variance Case No. 02-232-A Property: 1431 Monkton Road

Dear Mr. & Mrs. Geschwilm:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure



REV 9/15/98

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at which is presently zoned

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 To allow an accessiony

Struature detected garage with a heigh of 25 ft. in lieu of the of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Signature Address Telephone No City State Zip Code Attorney For Petitioner: 410-329-8200 Address Telephone No. Name - Type or Print Zip Code Representative to be Contacted: Signature Address Telephone No Address Telephone No State Zip Code City State Zip Code ng having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, A Public that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning altimore County and that the property be reposted. Zoning Commissioner of Baltimore County 12-292-4

Estimated Posting Date

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a pul	blic hearing is so	cheduled in the futu	rie Amant(s) and tr ire with regard there	lat Aπlant(s) is/are to.
That the Affiant(s) does/do presently reside at	1431 Mon	KtonRd		
	Address Monkton	<u>)</u> St	10	AIIV . Zip Code
	Oity	30		
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ing are the facts or practical diffi	s upon which I/we culty):	base the request for	r an Administrative
<u> </u>	/	1	,	
The proposed garage is	30" Feet	deep. To	carry throu	gh with the
colonial style of the es	xisting dw	elling (whi	ch is larger	in sie the
pitch of the root on the	he garag	e should	be a 12/12.	3 dormers
pitch of the root on the will be applied to the fr	ont of	the garage	to match	the 7 dormers
on the existing house. The	overall	height of	the sarage	c will be 25!
/		/	10	
			-	
That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide ad	mal demand is Iditional informat	filed, Affiant(s) will	be required to pay	y a reposting and
_			1	/ /
Mary Heschiel	<u> </u>	Main	Desch	wil
HARRY Ceschwilm		1 Max'	e Geschw	ila
Name - Type or Print	<del></del>	Name - Type or Print	) 0 0 0 0 0 0 0	
	. <b>_</b>			
STATE OF MARYLAND, COUNTY OF BALTIMO				
HEREBY CERTIFY, this 29 th day of	WEAREZ	<u> २७०</u> , <sub>b</sub>	efore me, a Notary I	Public of the State
HARRY Geschwilm	опану арреагео			
he Affiant(s) herein, personally known or satisfactate aw that the matters and facts hereinabove set forth	ctorily identified	to me as such Affi	ant(s), and made or	ath in due form of edge and belief.
•				
AS WITNESS my hand and Notarial Seal			CETH C. YA	
11/29/9	<u>5l</u>	zcheur	HOTARY	138
Date ' I ' '	Notary P	' <del>ub</del> lic	PUBLIC	) (
	My Com	mission Expires	<u> </u>	

220 09/15/98

Zoning Description for 1431 Monkton Rd.

Beginning at a point on a common driveway on

the West side of Monkton Rd. which is 40

feet wide at the distance of 1150 feet North

of the centerline of the nearest improved

intersecting street Piney Hill Rd. which is

35 feet wicle

Being Lot #3, Section #72 in the subdivision of "Piney Woods" as recorded in Baltimore Country Plat Book # 52, Folio #71 containing 5.49 Acres. Also known as 1431 Monkton Rd. and located in the 7th Election District, 3rd Council manie District.

#23/

WE Am BALTIMORE COUNTY, MARYLAND CIMORE COUNTY, MARYLAND

E OF BUDGET & FINANCE

SELLANEOUS RECEIPT

ACCOUNT R-101-604-6150 OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT HILLIN # 1005 th HART I DES ZUNTUR METALLICHTION FM). 008175 RECEIVED Mr. GEShwilm Recet tot Baltimae County, War stand DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER CASHIER'S VALIDATION

	RE: Case No.:
	Petitioner/Developer:
	HANRY GESCHWICH
	Date of Hearing/Closing: 12/31/01
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the proper	ty located at
The sign(s) were posted on	( Month, Day, Year)
456 # 02-23Z-A	Sincerely,  Signature of Sign Poster and Date)  RICHARD E. HOFFMAN  (Printed Name)  904 DELLWOOD DR.  (Address)  FALLS TON, MD 21047

1431 MONKTON RD.
POSTED 12/16/01
Sheld & Stelle (a)

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

#### ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 02-232-9
Petitioner: Hanny Geschwilm  Address or Location: 1431 Monkton Rd
Address or Location: 1431 Monk ton Rd
PLEASE FORWARD ADVERTISING BILL TO:  Name:Same
Address:
Monkton, Md., 21111  Telephone Number: (410 329-8200
Telephone Number: (410) 329-8200

#### **ZONING REVIEW**

## ADMINISTRATIVE RIANCE INFORMATION SPEET AND DATES

<u></u>
Case Number 02- 232 -A Address 1431 Monkton Rd-
Contact Person: John Sullivan Phone Number: 410-887-339
Filing Date: 12-04-01 Posting Date: 12-16-01 Closing Date: 12-31-0
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. An reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted denied, or will go to public hearing. The order will be mailed to you by First Class mail.
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 02- 232 -A Address 1431 Monk ton Rd-
etitioner's Name Harry Geschwilm Telephone (40) 329-8200
osting Date: 12-16-01 Closing Date: 12-31-01
Vording for Sign. To Permit an access any structure detached ganage
vording for Sign. To Permit an access ary structure detached garage
15 12.

Granted 1/17/02

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** January 24, 2002

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 7, 2002

Item Nos. 221, 222, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 237, 239,

and 240

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

January 4, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 31, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 234, 235, 236, 237, 238, 239, and 240

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

PV.

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 7, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JAN - 7

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-229, 02 232 & 02-240

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 1.2.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

**Baltimore County** 

Item No.

Dear, Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

J. J. Gredh



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams

Administrator

March 4, 2002

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County Item No. 332 (DT) MD 26 9860 Liberty Road

Mile Post 3.52

Dear Mr. Zahner:

We have reviewed the referenced plan and have no objection to the Special Exception.

However, we will require the owner/developer to obtain an access permit from our office and as a minimum the following will be required:

• A traffic impact analysis. The final design for any required roadway improvements will be determined following the review and approval of the traffic impact analysis.

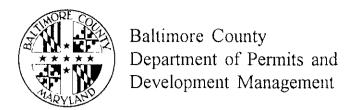
Should you require any additional information regarding this subject, please contact Larry Gredlein at 410-545-5606 or by E-mail (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

1. Andle

CC: Robert W. Bowling, P.E.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 21, 2002

Harry Geschwilm 1431 Monkton Road Monkton, MD 21111

RE: 2nd Electrical Meter, 1431 Monkton Road, Monkton. MD 21111, 7<sup>th</sup> Election District

Dear Mr. Geschwilm:

Your recent letter to Arnold Jablon, Director, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

- 1. Use of the detached garage for a private hobbyist/personal use (non-commercial) wood working shop would be permitted.
- 2. Installation of a second electrical meter may proceed provided the following statement is added to your electrical permit application:

"THE GARAGE SHALL BE USED FOR A PRIVATE HOBBYIST/PERSONAL USE (NON-COMMERCIAL) WOOD WORKING SHOP ONLY. THE GARAGE SHALL NOT CONTAIN ANY COMMERCIAL WOOD WORKING SHOPS NOR CONTAIN A DWELLING/LIVING UNIT (i.e., NO KITCHEN FACILITIES, SLEEPING QUARTERS, OR OVERNIGHT ACCOMODATIONS ALLOWED)."

3. A copy of this letter must be attached to your electrical permit application.

By copy of this letter, the County's Electrical Inspection Office and its Permits Processing Office are being advised of this approval. If a complaint is filed or the validity of your use is otherwise challenged, then this approval would be immediately rescinded.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jeffrey N. Perlow, Planner II

Grey N. Ferlow

Zoning Review

JNP

 Vince Metallo, Electrical Inspection Doug Swam, Permit Processing Zoning Case File 02-232-A

### Baltimore County, Maryland



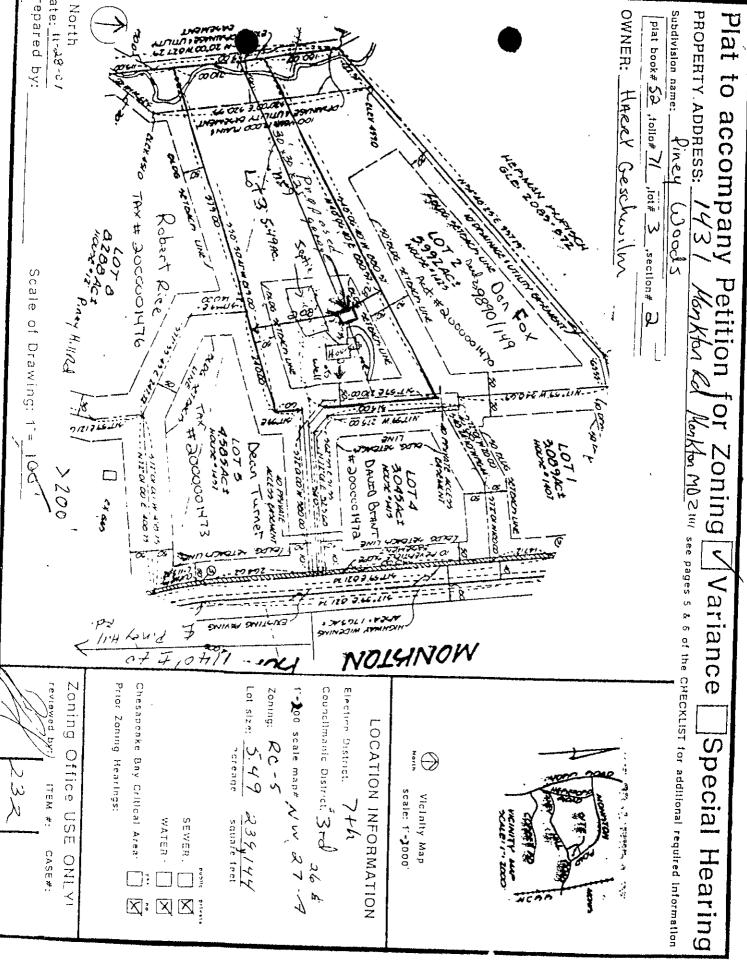
Date 1 22 02

To: Mr. ând Mrs. Geschwilm				
From: Zaning Cammissioner's Office				
☐ Please Note & File ☐ To be Signed ☐ For Your Information ☐ Please Comment ☐ Please Note & Return ☐ Please See Me ☐ Please Handle ☐ Investigate & Report ☐ Please answer, Sending me Copy of your letter ☐ Please Prepare reply for my Signature				
Remarks: RE: Case	No. 02-232-A			
Enclosed please find the corrected first page concerning the captioned case. Please disregard previous order sent to you as the wrong case number was inadvertently typed on the first page (caption).				
We are sorry for any inconvenience this may have caused.				
CPS-004 Recyc	led Paper			

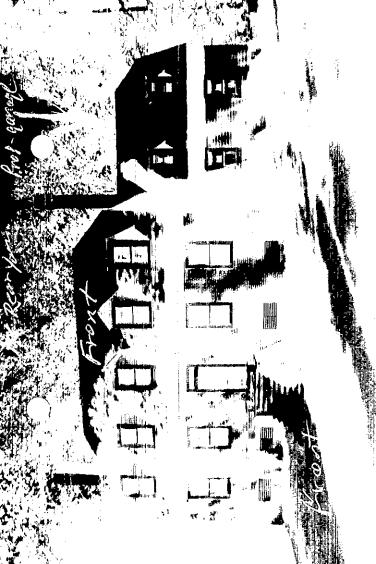
## Zoning Case No. D2-232-A

Date Completed/Initials	
12-31-01	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
<del></del>	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative

on Tuesday morning)



Det. Ex. #1



Frant of our home to have gras! @ We are so Pappy



the for



roposed 30'x 30' x 25 mgt detucked garage.

